

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 55
POST-ATTACK RESOURCE MANAGEMENT ACT

67-5501. SHORT TITLE. This act may be cited as the "Post-Attack Resource Management Act."

[67-5501, added 1967, ch. 57, sec. 1, p. 116.]

67-5502. PURPOSE OF ACT -- POSSIBILITY OF ATTACK -- NEED FOR EMERGENCY POWERS -- COORDINATION WITH COMPARABLE FUNCTIONS OF FEDERAL GOVERNMENT. (a) The legislature recognizes that an attack upon the United States is a possibility; that such attack might be of unprecedented size and destructiveness; that a considerable period of time may elapse after an attack before federal operational control over the management of resources can be instituted; and that federal planning and activities with respect to post-attack recovery and rehabilitation necessarily are predicated on the ability of the states and their political subdivisions to prepare for and respond promptly to the problems created by an attack. Therefore, it is hereby found and declared to be necessary:

(1) To create an office of emergency resource management for the execution of a plan for emergency resource management;

(2) To confer upon the governor and upon the executive heads of governing bodies of political subdivisions of the state the emergency powers provided herein.

(b) It is further declared to be the purpose of this act and the policy of this state that all resource management functions of this state be coordinated to the maximum extent with the comparable functions of the federal government, of other states and localities, and of private agencies to the end that the most effective preparation and use may be made of available manpower, resources, and facilities in an emergency.

[67-5502, added 1967, ch. 57, sec. 2, p. 116.]

67-5503. DEFINITIONS. (a) "Emergency resources management plan" shall mean that plan prepared by the Idaho emergency resources planning committee, approved by the federal office of emergency planning and adopted by the governor, which sets forth the organization, administration, and functions for the emergency management by the state government of essential resources and economic stabilization within the state. Such plan shall provide an emergency organization and emergency administrative policies and procedures for the conservation, allocation, distribution, and use of essential resources available to the state following a civil defense emergency such as an attack upon the United States. It shall be supplemental to the national plan for emergency preparedness adopted by the President of the United States, and shall become operative upon the establishment of a civil defense emergency. To the extent that the federal government is either incapable of or not prepared to conduct its emergency resources management program, the state will substitute for and replace the federal program until such time as the federal program becomes effective in the state.

(b) "Enemy attack" means an actual attack by a foreign nation by hostile air raids, or other forms of warfare, upon this state or any other state or territory of the United States.

(c) "Political subdivision" shall mean any county or city in the state.

[67-5503, added 1967, ch. 57, sec. 3, p. 116.]

67-5504. STATE EMERGENCY RESOURCE PLANNING COMMITTEE -- MEMBERS -- STATE EMERGENCY PLANNING DIRECTOR. (a) The governor may establish a state emergency resource planning committee (hereinafter referred to as the "state committee") and the office of state emergency planning director (hereinafter referred to as the "director"), and appoint to serve at his pleasure the members of such state committee and the director.

(b) The state committee shall consist of the governor, who shall be chairman, the director, other state officials designated by the governor, and persons representative of industry, commerce, labor, agriculture, civic, governmental, and professional groups designated by the governor. In the absence of the governor, the director shall act as chairman.

[67-5504, added 1967, ch. 57, sec. 4, p. 116.]

67-5505. AUTHORITY OF GOVERNOR -- COOPERATION WITH FEDERAL GOVERNMENT, OTHER STATES, PRIVATE AGENCIES -- RULES AND REGULATIONS. (a) The governor shall have general direction and control of the emergency resources management within this state and all officers, boards, agencies, individuals, or groups established under the emergency resource management plan.

(b) In performing his duties under this act, the governor is authorized to cooperate with the federal government, with other states, and with private agencies in all matters pertaining to the emergency management of resources.

(c) In performing his duties under this act, and to effect its policies and purpose, the governor is further authorized and empowered to make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this act within the limits of authority conferred upon him herein, with due consideration of the emergency resources management plans of the federal government.

[67-5505, added 1967, ch. 57, sec. 5, p. 116.]

67-5506. ORDER OF POST-ATTACK RECOVERY AND REHABILITATION EMERGENCY BY GOVERNOR -- CONVENING OF LEGISLATURE -- EMERGENCY DECLARED BY PRESIDENT -- TERMINATION OF EMERGENCY BY LEGISLATURE, PRESIDENT OR CONGRESS -- AUTOMATIC TERMINATION. (a) Following an attack, the governor, if he finds such action necessary to deal with the danger to the public safety caused thereby or to aid in the post-attack recovery or rehabilitation of the United States or any part thereof, shall declare by order the existence of a post-attack recovery and rehabilitation emergency. Any such order shall be ineffectual, unless the legislature is then in session or the governor simultaneously issues an order convening the legislature in special session within forty-five (45) days.

(b) During the period when the order issued pursuant to subsection (a) of this section is in force, or during the continuance of any emergency declared by the president of the United States or the congress calling for post-attack recovery and rehabilitation activities, subject to the

limitations set forth in this act, and in a manner consistent with any rules, regulations, or orders and policy guidance issued by the federal government, the governor may issue, amend and enforce rules, regulations, and orders to:

(1) control, restrict, and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods or services;

(2) prescribe and direct activities in connection with but not limited to use, conservation, salvage, and prevention of waste of materials, services, and facilities, including production, transportation, power, and communication facilities, training and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, including the use of existing and private facilities, rehabilitation, education, welfare, child care, recreation, consumer protection, and other essential civil needs; and

(3) take such other action as may be necessary for the management of resources following an attack.

(c) All rules, regulations and orders issued pursuant to authority conferred by this act shall have the full force and effect of law during the continuance of an order or declaration of emergency as contemplated by this section, when a copy of the rule, regulation, or order is filed in the office of the secretary of state or, if issued by a local or area official, when filed in the office or offices of the clerk of the district court. If, by reason of destruction or disruption attendant upon or resulting from attack, the filing requirements of this subsection cannot be met, public notice by such means as may be available shall be deemed a complete and sufficient substitute. All existing laws, ordinances, rules, regulations, and orders inconsistent with the provisions of this act, or any rule, regulation or order issued under the authority thereof, shall be inoperative during the period of time and to the extent such inconsistency exists.

(d) Any authority exercised pursuant to an order or emergency contemplated by this section may be exercised with respect to the entire territory over which the governor or other official, as the case may be, has jurisdiction, or as to any specified part thereof.

(e) The governor's power and authority to issue an order following an attack shall be terminated by the passage of a resolution of the legislature or by declaration of the termination of the emergency by the president or by the congress: provided that the order shall terminate automatically six (6) months after issuance and a similar order may not be issued unless concurrence is given thereto by a resolution of the legislature.

[67-5506, added 1967, ch. 57, sec. 6, p. 116.]

67-5507. REVIEW OF ORDERS AND ACTS BY SUPREME COURT. Every order and the facts related therein issued under this act shall be subject to judicial inquiry by the state supreme court as to the existence of the facts underlying the issuance of the order and whether such action was reasonable under the circumstances.

[67-5507, added 1967, ch. 57, sec. 7, p. 116.]

67-5508. PENALTIES. Any person violating any of the rules, regulations or orders adopted and promulgated under section [67-5506](#) shall, upon conviction,

tion thereof, be subject to a fine not to exceed \$1,000 or to a term of imprisonment of not to exceed six (6) months, or both such fine and imprisonment.

[67-5508, added 1967, ch. 57, sec. 8, p. 116.]